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# State of Utah

## DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER  
Executive Director

### Division of Oil, Gas and Mining

JOHN R. BAZA  
Division Director

Outgoing  
C0150018  
#3793  
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June 8, 2011

Ken Fleck, Manager  
Energy West Mining Company  
P.O. Box 310  
Huntington, Utah 84538

Subject: 2010 Annual Report Review Completion, Deer Creek Mine, C/015/0018, Task ID #3793

Dear Mr. Fleck:

The Division staff has completed the review of the 2010 Annual Report. Enclosed is a copy of the review with each reviewer's comments completed on June 8, 2011. Please submit the following items by July 11, 2011.

- In accordance with **R645-301-514.311**, please submit Deer Creek Mine sedimentation pond inspection reports for the year 2010.
- In accordance with **MRP Vol. 1, Sec. 321, p. 2-174**, please submit aerial photography for vegetation monitoring and an evaluation of the impacts of mining on vegetation. Photography is to be submitted in each annual report, every five years for infrared photography

Thank you for your diligence in completing the Annual Report. If you have any questions, please call me at 801-538-5325 or Jim Smith at 801-538-5262.

Sincerely,

Daron R. Haddock  
Coal Program Manager

DRH/sqs  
Enclosure

cc: Price Field Office

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# Annual Report

Date

6/9/11

This Annual Report shows information the Division has for your mine. Submit the completed document and any additional information identified in the Appendices to the Division by **March 31, 2011**. During a complete inspection an inspector will check and verify the information.

## GENERAL INFORMATION

Company Name Energy West Mining Company

Mine Name

Deer Creek Mine

Permit Number C/015/0018

Permit expiration Date

2016-02-07

Operator Name Energy West Mining Co.

Phone Number

+1 (435) 687-7821

Mailing Address PO Box 310

Email

Ken.fleck@pacificorp.com

City

Huntington

State

UT

Zip Code

84528

## CERTIFIED REPORTS

Excess Spoil Piles

☐ Required☒ Not Required

Refuse Piles

☒ Required☐ Not Required

Impoundments

☒ Required☐ Not Required

Other:

## DOGM File Location or Annual Report Location

A copy of the refuse pile report is included with submittal. Refer to attachment A

A copy of the sediment pond report is included with submittal. Refer to attachment A.

## OPERATOR COMMENTS

Quarterly refuse pile and sediment pond reports are submitted to DOGM. These reports are on file at DOGM in Salt Lake City and also included with this 2010 annual report in Appendix A.

## REVIEWER COMMENTS

☐

Met Requirements

☒

Did Not meet Requirements

(Jim Smith, 26 April 2011) Attachment A of the CD submitted with the Annual Report contains impoundment inspection reports for the Trail Mountain and Cottonwood/Wilberg Mines, but not the Deer Creek Mine. Attachment also contains certified inspection reports for the "old" and "new" Cottonwood/Wilberg/Trail Mountain/Des Bee Dove refuse - waste rock piles, but not for the Deer Creek Mine refuse pile.

Inspection reports for the Deer Creek refuse pile were submitted quarterly and are in the Division's database, but not in the 2010 Annual Report. Deer Creek Mine sedimentation pond inspection reports are not in the database or the 2010 Annual Report.

## COMMITMENTS AND CONDITIONS

The Permittee is responsible for ensuring annual technical commitments in the MRP and conditions accepted with the permit are completed throughout the year. The Division has identified these commitments below and has provided space for you to report what you have done during the past year for each commitment. If additional written response is required, it should be filed as an attachment to this report.

**Title:** RAPTORS.

**Objective:** Over-flight surveys.

**Frequency:** Yearly.

**Status:** On going for life of mine.

**Reports:** Submit annually to Division

**Citation:** MRP, Sec. 322, Subsec. Terrestrial Species.

### OPERATOR COMMENTS

The annual raptor survey continued in 2010. This confidential is included with the 2010 Annual Report on the Confidential CD.

### REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

Reviewed by Ingrid Campbell (4/26/11). The annual report included a raptor survey in the confidential section. The survey included nest location and activity data and an associated map depicting flight lines and nest locations. Several nests were located in and around the deer creek permit area. No nests were located over the underground workings where subsidence may still be occurring. (See map SUBALL-2010 located in the subsidence folder of the 2010 annual report). In 2010, in the Deer creek mine permit area and adjacent area, seven inactive golden eagle nests, four inactive redtail hawk nests, and two tended golden eagle nests were identified. No nests are in locations where surface disturbances or other mining projects could disturb the nests or nesting raptors.

**Title:** AERIAL PHOTOGRAPHY

**Objective:** To monitor the effects of mining including surface disturbances and subsidence on vegetation

**Frequency:** Aerial Photography annually and Infrared photography every five years starting in 1987.

**Status:** OVERDUE, The MRP states, "The vegetation monitoring information and an evaluation of the impacts of mining on vegetation will be submitted in an annual report following the year in which monitoring is conducted."

**Reports:** annually and every five years for infrared

**Citation:** MRP. Vol. 1 Sec. 321 page 2-174

### OPERATOR COMMENTS

### REVIEWER COMMENTS



Met Requirements



Did Not meet Requirements

No aerial photography was included in the report. This commitment continues to be overdue.

**Title: SUBSIDENCE MONITORING REPORT**

**Objective:** Determine effects of subsidence

**Frequency:** Annually

**Status:** Ongoing

**Reports:** Submit in annual report

**Citation:** Volume III Appendix X

**OPERATOR COMMENTS**

The 2010 Annual Subsidence Report is included with this submittal. One CD is submitted to DOGM that includes the General Annual Report, Subsidence Report, and Hydrologic Report.

**REVIEWER COMMENTS**



Met Requirements



Did Not meet Requirements

A subsidence report and analysis was included along with the collected subsidence data. Subsidence data was collected using aerial survey methods.

**Title. Demonstration of Selected Overburden as Best Available Material In the Permit Area for use as Substitute Topsoil**

**Objective.** Monitor chemical quality of identified substitute topsoil to show reduction in sodicity

**Frequency.** Sampling as described

**Status.** To be conducted in 2010. Due in 2010 annual report.

**Reports.** Annual Report

**Citation.** MRP Vol. 2, Part4, Section R645-301-233, pg. 2-3

**OPERATOR COMMENTS**

Refer to Attachment A for the sampling report titled "Substitute Topsoil Sampling".

**REVIEWER COMMENTS**



Met Requirements



Did Not meet Requirements

Priscilla Burton 5/12/2011. Samples were taken to a depth of three feet at 5 locations for comparison with an undisturbed sample location on the hillside (sample number DC2010-06). All samples have similar pH. Up canyon sample locations 4 and 5 are unsuitable for substitute topsoil due to the extreme SAR values in comparison to all other sample locations. Sample locations 4 and 5 have exchangeable sodium percentages of 27.7 to 61.2%

**Title.** ROOF, FLOOR, AND MID-SEAM MATERIAL IN ACTIVE SECTIONS TO BE SAMPLED ANNUALLY.

**Objective.** Transport and dispose of waste rock in a controlled manner.

**Frequency.** Annually in active sections.

**Status.** Ongoing during mining.

**Reports.** Annual Report

**Citation.** MRP Part 3, Estimated Waste Rock Volumes, R645-301-536, p. 75.

**OPERATOR COMMENTS**

Refer to Attachment A for the sampling report titled "Deer Creek In-mine Roof\_Rib\_Floor Sampling".

**REVIEWER COMMENTS**



Met Requirements



Did Not meet Requirements

(Jim Smith, April 26, 2011) Attachment A contains three reports for the Deer Creek Mine from IML in Sheridan WY. The December report indicates the six non-coal samples were in-mine, but it doesn't identify them as roof or floor samples. The four September samples were from the Deer Creek Waste Rock Site (WRS). Locations and depths where the five July substitute topsoil samples and one reference sample were collected at the main portal area are marked on an aerial- photograph.

**Title.** Waste Rock Site Operational Sampling

**Objective.** Monitor chemical quality of waste at waste rock site

**Frequency.** Grab samples upon completion of each two foot lift. Parameters as described.

**Status.** Ongoing during mining.

**Reports.** Annual Report

**Citation.** MRP Volume 10, Chap. VII, p. 7-4 to 7-5

**OPERATOR COMMENTS**

Refer to Attachment A for the sampling report titled "Deer Creek WRS Sampling".

**REVIEWER COMMENTS**



Met Requirements



Did Not meet Requirements

Priscilla Burton 5/12/2011. Four samples were received by the InterMountain Laboratories (Sheridan) on September 20, 2010. The analysis does not indicate the waste would be acid forming, however, the waste represented by these samples should be buried beneath four feet of cover per R645-301-553.250, due to extreme SAR values, high percentage of exchangeable sodium, and in two instances, the selenium content.

The following commitments are not required for the current annual report year, but will be required by the permittee in the future as indicated by the Status item. These commitments are included for information only, and do not currently require action.

**Title:** WILDLIFE

**Objective:** Adhere to wildlife exclusionary periods.

**Frequency:** NA

**Status:** Ongoing during Rilda portal reclamation.

**Reports:** Not required.

**Citation:** MRP, Sec. 322, p. 10; Sec. 330, p.16, #14 in list; Sec. 342, p. 32, #7 in list.

**OPERATOR COMMENTS (Optional)**

Will be complied with during reclamation activities.

**Title: SUBSOIL TESTING**

**Objective:** Regraded subsoil will be sampled on 500 ft intervals to a depth of four ft (three or four samples for the 2,000 linear ft in the facilities area). The samples will be analyzed on site for pH and EC. Problem areas will be further sampled and sent to a laboratory for analysis.

**Frequency:** Final regrading

**Status:** Ongoing

**Reports:** Laboratory analysis to be provided to the Division.

**Citation:** Vol 11. Section R645-301-231.300

**OPERATOR COMMENTS (Optional)**

Will be complied with during reclamation activities.

**Title: TOPSOIL HANDLING TESTING PLAN**

**Objective:** Three composite samples will be taken from the facilities area and sediment pond. Samples will be analyzed for parameters to be compared with baseline information and to determine the need for amendments, including fertilizer

**Frequency:** Final Reclamation

**Status:** Ongoing

**Citation:** Vol 11. Section R645-301-242

**OPERATOR COMMENTS (Optional)**

Will be complied with during reclamation activities.

**Title: Waste Rock Site Reclamation Sampling**

**Objective:** Monitor chemical quality of upper four feet of final waste reclaimed surface at waste rock site

**Frequency:** Grab samples within four feet of final elevation at a rate of two samples per acre per lift. Parameters as described.

**Status:** Final reclamation of waste rock cell

**Reports:** Annual Report

**Citation:** MRP Volume 10, Chap. VII, p. 7-5

**OPERATOR COMMENTS (Optional)**

Will be complied with during reclamation activities.

**Title. Soil Sampling final graded surface**

**Objective.** Monitor chemical quality of reclaimed substitute topsoil

**Frequency.** Grab samples for pH and SAR as described

**Status.** Final reclamation of mine facilities

**Reports.** Annual Report

**Citation.** MRP Vol. 2, Part 4. Section 645-301-233

**OPERATOR COMMENTS (Optional)**

Will be complied with during reclamation activities.

**Title MACROINVERTEBRATES "AQUATIC".**

**Objective:** Monitor macroinvertebrates in Rilda Creek.

**Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation.

**Status:** Construction was complete in Fall 2008. Spring and Fall 2009 are the first required surveys and Spring 2012 is the anticipated date for the first of the three-year monitoring surveys.

**Reports:** Division Annual Report.

**Citation:** MRP, Sec. 330, p. 26.

**OPERATOR COMMENTS (Optional)**

Will be conducted again in 2012 and reported in the Annual Report.

**Title:** FISH "AQUATIC".

**Objective:** DWR will monitor fish in Rilda Creek as part of annual surveys.

**Frequency:** Spring/fall two years prior to and spring/fall one year immediately following start of construction. Spring every three years during operations and reclamation.

**Status:** Construction was complete in Fall 2008. Spring and Fall 2009 are the first required surveys and Spring 2012 is the anticipated date for the first of the three-year monitoring surveys.

**Reports:** Division Annual Report.

**Citation:** MRP, Sec. 330, p. 26.

**OPERATOR COMMENTS (Optional)**

Will be conducted again in 2012 and reported in the Annual Report.



## REPORTING OF OTHER TECHNICAL DATA

List other technical data and information as required under the approved plan, which must be periodically submitted to the Division. Specify whether the information is included as an attachment to this report or currently on file with the Division.

**Please List Attachments:**

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**REVIEWER COMMENTS**    ☒ Met Requirements    ☐ Did Not meet Requirements

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## LEGAL, FINANCIAL, COMPLIANCE AND RELATED INFORMATION

The Division is Requesting that each Permittee review and update the legal, financial, compliance and related information in the plan as part of the annual report. Please provide the Department of Commerce, Annual Report of Officers, or other equivalent information as necessary to ensure that the information provided in the plan is current. Provide any other change as necessary regarding land ownership, lease acquisitions, legal results from appeals of violations, or other changes as necessary to update information required in the mining and reclamation plan. Include certified financial statements, audits or worksheets, which may be required to meet bonding requirements. Specify whether the information is currently on file with the Division or included as an attachment to the report.

### LEGAL/ FINANCIAL UPDATE

Included

DOGM File Location or Annual Report Location

☐☐☐☐

### REVIEWER COMMENTS

☒

Met Requirements

☐

Did Not meet Requirements

## MAPS

Copies of mine maps, current and up-to-date through at least December 31, 2010, are to be provided to the Division as an attachment to this report in accordance with the requirements of R 645-301-525.240. The map copies shall be made in accordance with 30 CFR 75.1200 as required by MSHA. Mine maps are not considered confidential.

Map Name	Map Number	Included		Confidential	
		Yes	No	Yes	No
Annual subsidence map		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mine Map		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**REVIEWER COMMENTS**    ☒ Met Requirements    ☐ Did Not meet Requirements

(Jim Smith, April 26-27, 2011) The CD sent with the Annual Report includes General - Attachment D, which contains maps showing mining operations for 2010 in monthly increments, for both the Blind Canyon and Hiawatha Seams. The Subsidence Report, also on the CD, includes maps showing the subsidence that occurred in 2010.

## OTHER INFORMATION

Please provide any comments of further information to be included as part of the Annual Report. Any other attachments are to be provided as an attachment to this report. If information is submitted as a group rather than by individual mine, please identify each of the mine's data in the list below.

**Please List Attachments:**

Annual Raptor Survey - Confidential CD.

**REVIEWER COMMENTS**